

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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MALIBU MEDIA, LLC, : Case No. 1:14-cv-10185-DAB  
Plaintiff, : Judge Batts  
vs. :  
: :  
JOHN DOE subscriber assigned IP address :  
98.116.115.241, :  
: :  
Defendant. :  
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**MOTION FOR LEAVE TO SERVE A THIRD PARTY SUBPOENA  
PRIOR TO A RULE 26(f) CONFERENCE**

Pursuant to Fed. R. Civ. P. 26(d)(1), and upon the attached: (1) Memorandum of Law in support of this motion; (2) Declaration of Colette Field in support of this motion; (3) Declaration of Patrick Paige in support of this motion; and (4) Declaration of Tobias Fieser in support of this motion, Malibu Media, LLC (“Plaintiff”), respectfully moves for entry of an order granting it leave to serve a third party subpoena on Verizon FiOS, prior to a Rule 26(f) conference (the “Motion”). A proposed order is attached for the Court’s convenience.

Respectfully submitted,

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